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SUBJECT: REPORT ON FIRST WEEK OF NPT PREPCOM III, MAY 4-8,
2009

REF: STATE 044744

¶1. (SBU) Summary: This is the first in a series of reporting messages on the third meeting of the Preparatory Committee for the Nuclear Non-Proliferation Treaty Review Conference (NPT PrepCom III), which met in New York on May 4-15, 2009. The U.S. Delegation to the PrepCom achieved much of its

modest aims in the first week of the proceedings, contextualizing the President,s Prague speech within the NPT, and engaging on an eventual P-5 statement to the PrepCom. The U.S. opening statement, delivered by Assistant Secretary of State for Verification, Compliance, and Implementation Rose Gottemoeller, set a positive tone that was rarely spoiled. The Iranian delegation was a notable exception, delivering a series of harsh statements and working papers (eliciting retorts by the UK and France, among others), while the Egyptians questioned the future of the Treaty over a lack of progress on creating a Middle East zone free of nuclear weapons. By the end of the week, the PrepCom had agreed on a president-designate, and agenda, and rules of procedure for the 2010 RevCon; however, the PrepCom chairman also had circulated a draft final document that over-reached, and delegations considered how to respond to the Chair,s document. Septels have reported on various bilateral and other meetings held by A/S Gottemoeller on the margins of the PrepCom. End Summary

Opening Statements: Overview

¶2. (SBU) Countries gave their opening statements, including the United States - delivered by Assistant Secretary of State for Verification, Compliance, and Implementation Rose Gottemoeller. She set a positive tone, securely framing

STATE 00052964 002 OF 010

President Obama,s nonproliferation, disarmament, and peaceful uses of nuclear power policies within the NPT context. Other Parties gave similarly upbeat assessments of the current trends, including positive comments on the President,s speech. The Arab Group welcomed the positive atmosphere created by the U.S.; however, it said that the proposed U.S. initiatives alone were insufficient, and that progress must be made on the 1995 Resolution on the Middle East if the 2010 RevCon is to be successful.

¶3. (U) A few Parties gave negative opening statements, including Iran. Its lengthy statement argued that alleged noncompliance by the United States, France, and the United Kingdom (notably omitting Russia and China) on Articles I, IV, and VI was the greatest threat to the Treaty. Iran claimed that U.S. nuclear cooperation with Israel was in violation of the Treaty, and discounted the President,s speech in light of prior &unfulfilled promises8 by the United States. The United Kingdom exercised its right of reply in response to Iran,s specific criticisms of its disarmament record.

¶4. (U) NAM president Cuba criticized nuclear cooperation with India, and implied that it benefited from non-safeguarded facilities in violation of NPT Article III. Egypt criticized (without naming names) cooperation with non-NPT Parties, and called NSG attempts to restrict "sensitive" nuclear technologies discriminatory. It blasted Israel for not joining the NPT, not having IAEA safeguards, and for creating the potential for a regional arms race. This sentiment was echoed by most Arab Parties and several other members of the Non-Aligned Movement (NAM). Several Parties made specific mention of the Democratic People,s Republic of Korea in their opening statements, but none) including the United States - made specific reference to Iran and its noncompliance with its Treaty obligations.

Opening Statements: Disarmament

STATE 00052964 003 OF 010

¶5. (U) States welcomed the U.S. Administration,s renewed

efforts to fulfill its Article VI obligations, although the Arab League echoed Iran by stating that these were made previously through the 2000 RevCon Final Document, and subsequently were ignored. Very few (UAE was one) specifically mentioned the 13 practical steps.⁸ Thailand called for the enactment of the UN Secretary General's 5-Point Proposal on Nuclear Disarmament. Russia wanted post-START obligations to prohibit the deployment of offensive or defensive weapons outside national territory, and continued to oppose missile defense. China boasted of its strong record on disarmament, emphasizing its policies on no first use, no use against any non-nuclear-weapon state (NNWS), its status as a signatory to the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and its support for legally binding negative security assurances (NSA). Several Parties, principally NNWS and NAM members, supported the call for a legally binding NSA treaty. Many states expressed support for nuclear-weapon-free zones (NWFZ) in general, with specific praise for the entry into force of the Central Asia NWFZ, and one call from Thailand for the nuclear weapon states (NWS) to join SEANWFZ.

Opening Statements: Nonproliferation

¶6. (U) A growing number of Parties support holding up the Additional Protocol as the new international "standard" for safeguards, while almost all noted the need to negotiate and implement some level of safeguards agreement. Almost all Parties voiced support for CTBT entry into force and the negotiation of a Fissile Material Cut-Off Treaty (with Egypt and Australia emphasizing the Shannon mandate⁸). Syria focused significant attention on Israel's failure to submit to IAEA safeguards. General calls for the universalization of the NPT also were made, including the need to take measures to compel non-members to join. The Arab League remarked on Israel, noting that some states provide

STATE 00052964 004 OF 010

rationales and excuses for Israel not to join, and used strong language concerning the implementation of the 1995 Middle East Resolution as a non-negotiable, overriding priority. The UAE indirectly criticized Iran, and possibly Syria, by calling for an end to attempts to acquire nuclear weapons, and demand steps to halt attempts to transfer the production and stockpiling of nuclear weapons. Iran exercised its right of reply to correct the reference to the Arab Gulf region, noting that its correct name was the Persian Gulf.

Opening Statements: Peaceful Uses of Nuclear Energy

¶7. (U) A broad number of Parties, including from the NAM, called for reaffirming the inalienable right of Parties to the Treaty to develop nuclear programs for peaceful use without discrimination. Some states called for the promotion of technology transfer, while a few noted the need to balance rights and responsibilities) nuclear safety, security, and safeguards obligations - and that there should be a greater balance among the three NPT pillars. Syria, however, noted asserted a double standard in the application of the Treaty pillars.

Opening Statements: Administrative Matters

¶8. (U) Chairman AMB Boniface Chidyausiku (Zimbabwe) proposed to change the dates of the RevCon (to May 3 - 28), and named the prospective president of the RevCon) AMB Libran Cabactulan of The Philippines. The Chair also announced that the RevCon agenda was still under consultation (COMMENT: France was blocking progress. END COMMENT), and that he

would circulate draft elements of substantive recommendations from the PrepCom to the RevCon to facilitate discussion the following week. Canada reiterated its long-suggested improvements to the NPT review process, including annual,

STATE 00052964 005 OF 010

shorter sessions, and the establishment of a quasi-permanent secretariat staff. Several NAM statements called for the establishment of subsidiary bodies on security assurances, nuclear disarmament, and the implementation of the 1995 Middle East Resolution.

¶9. (U) On May 6, the PrepCom adopted by consensus the Provisional Agenda for the RevCon, the proposed dates for the next RevCon (delayed one week to May 3)28), the draft Rules of Procedure, and the selection of the RevCon President and of Chairpersons for its Main and Drafting Committees.

Statements by Non-Governmental Organizations

¶10. (U) Non-Governmental Organizations (NGOs) were given time on May 5 to deliver statements to those delegates who cared to attend. Notably, Tadatoshi Akiba, current President of Mayors for Peace and Mayor of Hiroshima, coined the phrase, "Obamajority," to describe the new majority of individuals and countries who support the President's vision of a nuclear-weapon-free world.

Cluster One: Disarmament

¶11. (U) Most delegations continued to praise the April 1 statement by Presidents Obama and Medvedev, the improved atmosphere for advances in this area, and progress towards a CTBT and FMCT. The Netherlands emphasized the need for a verifiable FMCT, with the IAEA fulfilling the verification role. There was a noticeable trend towards emphasizing de-alerting (including by the &De-Alert Group,8 made up of Malaysia, Nigeria, New Zealand, Sweden, Switzerland, and Chile), as well as transparency in disarmament, in several statements.

¶12. (U) The EU statement proposed "to start the consultations

STATE 00052964 006 OF 010

on a treaty banning short- and intermediate-range ground-to-ground missiles." The UK emphasized the importance of the 2010 RevCon and its upcoming P-5 conference on verification issues, as well as its work with Norway on disarmament verification. France gave one of the strongest statements, pointedly reminding the NNWS that the NNWS shares responsibility for disarmament: "We must better control exports, control access to the most sensitive training, stop proliferating trafficking, criminalize proliferation activities and crack down on their funding.8 Brazil said that the success of the 2010 RevCon rested on a global re-commitment to the &zero option.8

¶13. (U) Japan set out eleven benchmarks needed in three areas for nuclear disarmament progress: (1) measures that need to be taken by the USA and Russia, such as a START follow-on agreement; (2) measures that need to be taken by the international community as a whole, such as CTBT and FMCT; (3) the restriction of ballistic missiles. China touted its negative security assurances and the need for &fairness, justice, gradual reduction and downward balance," as well as for a treaty to keep weapons out of outer space. Russia noted that zero is only possible with strengthened strategic stability and equal security, echoed China's call for a space treaty, emphasized irreversibility and, without naming it, criticized &Global Strike.8

¶14. (U) In an unusual tit-for-tat, Syria responded to Canadian and New Zealand criticism of its non-compliance by stating that "all reports" support Syria's adherence to the NPT. Syria said that the credibility of the NPT is undermined when people use counterfeit New Zealand passports,⁸ that it joined the NPT before Canada, and that Canada neglected to note Israel's absence at the PrepCom. In reply, Canada expressed its delight that Syria joined the NPT before it, but noted that the right to use nuclear energy brought obligations. Canada said that the IAEA report issued recently did not reflect full Syrian cooperation, welcomed Syria's future cooperation, and looked forward to subsequent IAEA reports on the matter.

STATE 00052964 007 OF 010

¶15. (U) There were a great many calls from developing countries for a legally binding instrument on security assurances; several delegations, including Indonesia on behalf of the NAM, asserted that the NNWS have a "right" to negative security assurances, and that nuclear disarmament was the ultimate objective of the NPT. There also were several calls from the NAM and others on the need for subsidiary bodies at the 2010 Review Conference on negative security assurances and nuclear disarmament. Iran lamented that no practical steps had been taken to reduce tactical nuclear weapons, and leveled criticisms at the NPR⁸ that seemed moored in 2002. It also repeated criticisms of the U.S., the UK, and France, and called for either the negotiation of a timetable for nuclear disarmament at the 2010 RevCon, or an amendment to the NPT to include a disarmament timetable. France came back at Iran, listing inaccuracies in its statement, with Iran replying that French steps towards disarmament have not been verified or otherwise subject to international inspections.

Cluster Two: Nonproliferation, Safeguards, NWFZs

¶16. (U) Most countries endorsed the need for universal acceptance of the Additional Protocol and enhancing IAEA safeguards verification capabilities. The NAM reiterated that the right to develop peaceful nuclear energy must not be infringed upon. The UK called on India, Israel, and Pakistan to sign the NPT, and for the DPRK to return to full compliance with the NPT. Many countries expressed support for the Global Initiative and PSI. Turkey expressed support for the P5 process in Iran, the Six-Party talks in the DPRK, and a WMDFZ in the Middle East. Iran provided a rambling statement listing 20 principles that states "have to take into serious consideration," including that safeguards obligations are voluntary in nature, and that strengthening comprehensive safeguards agreements only can only be possible if applied universally. Syria again reiterated that Israel

STATE 00052964 008 OF 010

unfairly targeted a non-nuclear, military-only facility, and that Syria was in compliance with its safeguards obligations.

Cluster Special Session: Regional Issues

¶17. (U) The focus on the 1995 Middle East Resolution by States Party came as no surprise to anyone. NAM and Arab states attacked Israel for not acceding to the Treaty as a NNWS and submitting its nuclear activities to IAEA safeguards. Several NAM states proposed institutional changes to the RevCon process to help implement the Resolution, including the establishment of a Subsidiary Body to Main Committee II of the RevCon that would focus on practical steps, the creation of a Standing Committee of the

NPT on implementation, inter-sessional meetings on implementation, and a 2011 Conference on a Middle East NWFZ. Iran delivered a rebuke to the U.S. Nuclear Regulatory Commission for entering into an Agreement with the Israeli Atomic Energy Commission (IAEC), and to the U.S. in general for allegedly providing Israel with nuclear weapons, as outlined in a "top secret document dated 23 August 1974." (COMMENT: Those remarks in all probability referred to a declassified &Special National Intelligence Estimate8 t hat reflected the first official U.S. judgment that Israel possessed operational nuclear weapons. END COMMENT)

¶18. (SBU) Other Parties used this occasion to criticize Iran and the DPRK. Many urged Iran to resolve the outstanding issues surrounding its nuclear program by complying with all relevant UNSCRs and working with the IAEA. Parties also urged the DPRK to return to the Six-Party process, abandon all nuclear weapons programs, and return to compliance with the provisions of the NPT without delay. Some States criticized U.S. nuclear cooperation with India as a perceived violation of the NPT. Strong support was expressed for NWFZs, and several Parties gave their approval to the Central Asia NWFZ.

STATE 00052964 009 OF 010

Cluster Three: Peaceful Uses of Nuclear Energy

¶19. (U) The Parties, statements generally reiterated the idea that all States Party to the NPT support the peaceful use of nuclear energy, although the levels of rights and responsibilities outlined by various states predictably differed. The NAM, Brazil, Thailand, and Turkey all noted their support for non-discriminatory use of nuclear energy, and called on all IAEA Member States to implement total transparency. The EU, the UK, and France all noted their extensive records regarding financial and technical support to the IAEA in all areas, including peaceful uses. Australia noted its concern over terrorist use of nuclear material and encouraged all States Party to ratify the Convention on Physical Protection of Nuclear Materials (CPPNM), implement UNSCR 1540, and support the International Convention for Suppression of Acts of Nuclear Terrorism. The IAEA provided a briefing on the IAEA's Multilateral Approach to the Nuclear Fuel Cycle. Of note, the IAEA stated that it had been approached by 45 countries within the past year to discuss possible future nuclear programs, mostly in response to expected global regulations limiting the amount of fossil fuel emissions. The IAEA further stated that a new multilateral fuel framework will require a verifiable FMCT for it to be successful.

Chairman,s Final Statement

¶20. (SBU) At the end of the May 8 morning session, the Chair provided delegations with his lengthy, detailed, and potentially controversial draft &Recommendations to the 2010 Review Conference,8 inviting comments. The U.S. Delegation began reviewing the statement and began work on a shorter, more general alternative.

STATE 00052964 010 OF 010

Wrap-up

¶21. (SBU) The Delegation made substantial progress towards fulfilling U.S. objectives for the PrepCom (Ref A). Those objectives were to work with other NPT Parties to complete

arrangements for a successful RevCon, to place the President,s recent Prague speech into the NPT context, and to pursue a P-5 statement only if consensus language therein reflected U.S. policy. The first two objectives were met by the end of the first week. On a P-5 statement, there was no easy consensus on language, but further negotiations were to continue during week two. Overall, the overarching U.S. goal - to ensure a RevCon that strengthens the NPT and advances the President,s nonproliferation and disarmament agenda) was well advanced during week one of the PrepCom.

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